

SATURDAY, SEPTEMBER 16, 1826.

only say, that if you do hold his Majesty's commission of the peace, your conduct to-day does not afford a very good example for keeping the peace; I have only to repeat, that if you do not pay the fine I have awarded against you, you shall be committed to the House of Correction; and if you proceed further in your extraordinary line of conduct towards the Bench, I shall hold you to bail for that; and if you have no defence to offer to the complaint of Mrs. Pager, you must also find bail on that charge.

Sir Mark Wood, during this address, occasionally extending his clenched fist towards the Magistrate, started from his seat at its conclusion, and in a paroxysm of rage, swore by all the powers of h—ll and d—n that he would not for all the Magistrates of the realm, including himself, either pay a fine or set a single foot upon the treadmill.

About this time, Mr. Roe, the Magistrate, took his seat upon the Bench, and Sir Mark, as if conscious that another enemy was at hand, became ten times more violent than ever, and swore destruction to the whole race of peace-commissioners.

Mr. ROE—Really, Sir, your violent and unbecoming conduct towards the Bench, is quite beyond endurance, and unless you desist, I shall myself note it, and hold you to bail.

Sir Mark—And pray who, or what are you?
Mr. ROE.—If you compel me by a perseverance in conduct so unbecoming of any respectable person, to take notice of it, you may rely I shall let you know who and what I am.

A commitment was now about to be made out to send Sir Mark Wood for ten days to the House of Correction, when an operative, a very well conducted rope-maker, who attended with the Baronet as his friend, persuaded him to pay the 5s. fine, which, after having had out ten times its value in oaths, he accordingly paid.

Sir Mark now being considerably exhausted, after gasping a little for breath, expressed a wish to have his butler, who was present, examined, in opposition to Mrs. Paget's complaint.

his poor man, who approached the Bench as he were about to hear his final doom, told, we are sure with truth, all that his scattered senses could enable him to recollect, but he in no way weakened the complaint of Mrs. Paget.

Sir Mark Wood was then told by the Magistrate, that he must find bail, two housekeepers, to answer Mrs. Paget's complaint at the Sessions.

Sir Mark said he might be d—d if he would stand bail, and was proceeding to walk out of the office, when

Hold Sir, you cannot be
until you put in
Sir Mark—What, am I to be taken into
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Mr. DYER—No, Sir, you are already in custody, and must remain so until your bail shall arrive.

Sir Mark—But I'll be d——d if I shall be
taken into custody. What! I—a magistrate—
taken into custody!

Mr. DYER—I tell you, Sir, you are in custody already: Pray, Sir, have the goodness to take off your hat.

Sir Mark—No, I won't.

Mr. DYER desired Plank, the chief officer, to remove the hat from the gentleman's head, which Plank did very gently, and hung it up on a hook in the wall.

Sir Mark—Hallo! I say; are you going to ob me? Are you going to keep my hat?

Frank—By no means, Sir; you shall have that whenever you wish for it.

Mark— Give it to me now, then ; I like
 ve it in my own hand ; I find I am among
 d queer set.

What was given to him, and he was then
 asked to walk into the Magistrates' private
 until he should send for bail, which he
 reluctantly did. In a little time the re-

reluctantly did. In a little time the rope-
procured a cheesemonger, and both, be-
ficient men, were accepted as bail for Sir
s appearance at the Sessions. While the
was filling up the usual recognizances, Sir
suddenly rushed from the private room
the office, and once more perched himself
the bench. By this time Sir GEORGE
HANT had taken his seat there, and hearing
Mark again go on in his former strain of vio-
and abuse, remonstrated with him; but
obstrance was vain, and he, too, was obliged
to leave the committal of Sir Mark for in-
the Bench. Sir Mark said they might
d---d, and he might be d---d if he cared
for the whole set of them.

DYER—Now, Sir, you have twice again, here, offended in my presence, and I fine you 10s. more for swearing.

Mark seemed to a pitch of
book out of the
er with the book
d—d if I don't
ssibly the Wor-
his threat, had

not some persons intervened between him and the object of his vengeance.

Mr. DYER calmly assured Sir Mark Wood that if he did not pay the 10s., to the House of Correction he must still go.

The tread-mill again presented itself to Sir Mark, and he stormed and raged most amazingly at the prospect; but after swearing as many oaths as it would have taken his estate to clear off had he been fined in proportion, the rope-maker and the cheesemonger stepped forward, and paid 5s. each of the fine, and their bail bonds being completed, Sir Mark Wood was informed that he might withdraw as soon as he pleased. Sir Mark did withdraw, but before he quitted the Bench he addressed Mr. Dyer thus—"You've taken 15s. out of my pocket, and I am d---d if I don't put many a shilling out of yours."

Mr. DYER—"I don't see how that is at all likely Sir."

Sir Mark—"Yes, I will: you shall not be two days longer on that bench."

Mr. DYER smiled and made no reply.

Sir Mark Wood, Bart., &c. then withdrew, and concluded his extraordinary exhibition by exclaiming to the officer who opened the door for him, "Officer, that Magistrate is a d—d rogue."

Lord Charles Somerset has arrived from the Cape of Good Hope, to meet and repel the charges so unwarrantably made against his Lordship. We have given in another part of our Paper an account of two meetings which took place in honour of His Excellency, previously to his departure from the Cape, by which it will be seen that the most unqualified and universal regret was expressed by every class of persons there, and every means that the limited time would admit of, were resorted to, to evince their attachment and respect for his Lordship's person and Government. His Lordship has returned for the express purpose of meeting and confounding the slanderers of his character; and from the esteem evinced towards him by those who have witnessed his conduct during his long administration at the Cape, we have no doubt, he will effectually do it with credit to himself, and shame to his accusers. Nothing certainly could exceed the general and unequivocal testimony of respect and attachment shewn by the inhabitants of the Cape towards his Lordship, and we believe it has rarely been equalled to any public man in any country.

FALL OF MISSOLOGHI.—Accounts have been received this morning at the Colonial Office from Major-General the Honourable Frederick Ponsonby, Lord High Commissioner for the Ionian Isles, which announce, that the fortress of Missolonghi was carried by assault, on the night of the 22d and 23d ult. It appears that on the 2d ultimo, the Turkish Commanders offered terms to the Inhabitants, which engaged for the safety of their lives on surrendering the town; but these offers were peremptorily rejected. The Greek fleet under Miaulis having failed in its attempt to throw supplies into the town, and the inhabitants being reduced to the utmost distress for the want of provisions, the garrison resolved upon attempting to retire, and for that purpose made a sortie with a force of 800 men, under two of their most enterprising Chieftains, who were to direct their efforts against a battery on the waterside, and by that means to open a way for the rest of the inhabitants. This movement, however, had been foreseen by the Turks, and so tremendous a fire was directed against the assailants, that they soon fell into confusion, and fled in all directions to the mountains for shelter. The alarm created by the repulse of this advanced body was quickly communicated to those who succeeded; they abandoned the positions which they had hitherto occupied, and threw themselves, in small bodies, into such defensible posts as the neighbourhood of the town presented. The Turks, in the mean time, availed themselves of the confusion into which the besieged were thrown by this failure, and carried by assault the fortifications, which in many parts were left without defence. The town was set fire to in several places, and instant measures were taken for subduing the inhabitants, which, in the course of the night, were completely effected. The Greeks seem to have fought with a degree of obstinacy which might have been expected from the resolution with which they have hitherto defended the place; for, although upwards of three thousand are reported to have fallen in the town, and in the neighbourhood of the mountains, only 150 are said to have been taken alive. Of the women and children a considerable number are stated to have destroyed themselves, or to have been drowned in the ditches adjoining to the town; but upwards of 3000 prisoners are said to have been captured by the Turks. It does not appear that Ibrahim Pacha was wounded in this assault, as various reports have for some time announced

LAW INTELLIGENCE

THE KING-D. PETO.
Mr. WALTER opened the case by stating, that this was an action on a bond given to his Majesty by the defendant, and another person named Miles now deceased, that a new Custom House should be built in the City of London, according to certain plans and specifications.

plans and specifications. The case was stated by the judge. He said that proceedings were instituted against the defendant, to recover the penalty of the bond, in consequence of the Custom House having been so ill constructed as to fall down suddenly; in order that the part of the loss sustained thereby by the country might be thrown on the shoulders of Mr. Peto. By the contract, Mr. Peto was bound to complete the work for the sum of 165,000*l.* that was exclusive of the charge of 12,000*l.* to which he was entitled for the piling of the building. The building was commenced in the year 1813, and completed in the year 1818; the entire charges amount to 370,000*l.* more than double the amount contracted for originally; the Commissioners were extremely dissatisfied with the charge, and after having paid 300,000*l.* they refused paying any more. In consequence thereof, Mr. Peto commenced proceedings against the Commissioners; in the mean time, fears were entertained respecting the stability of the building—the walls were cracked in several places, and they appeared to be in a tottering state. The site was formerly a part of the bed of the River Thames, but it rested on solid stratum of hard gravel, which was four feet deep, and into which it was necessary the piles should be driven for the support of a building of this height. It was made up as the Custom House. From the specification, it appeared that the defendant was bound to procure a necessary number of engines, for the purpose of boring down to the gravel, and he was also to drive the piles two feet into the gravel—but when an examination took place, it appeared that the piles were not of the length stated in the specification, nor did they reach near the gravel. There was no complaint of the external appearance of the building—an immense chasm, however, was discovered between the King's warehouses, and before the cause could be ascertained, one pier sunk 9 feet, and another four feet—the warehouses then sunk into the cellars; and this circumstance would put the public to the expense of 100,000*l.*

Several witnesses were then called to establish the facts set forth by the Attorney General; and the case having closed on behalf of the Crown.

The case having closed on behalf of the Crown, Mr. SEARLETT addressed the Jury for the defendant, he said that Mr. Peto was merely the builder on this occasion, and was bound to follow the instruction of the Government agents, which he had done to the letter—if he had refused to obey them he might have been dismissed and obliged to leave from time to time, and make alterations in his plan, by the directions of Mr. Dr. and Mr. Laing, the Pavement Inspectors; he had made the piles of the length decided by the Board of Works—they were liable to more early decay on account of the construction of a brick wall by the Government officers, which was a situation as to prevent the piles from being immersed in the water as was originally intended. It had been said on the Government side that there was fraud and collusion between Mr. Peto and Mr. Laing, with respect to measurement and other things, Mr. Peto was anxious that the Government inspectors should examine every thing he did, and it was not consistent with the known fairness of the Attorney-General to endeavour to excite a prejudice against Mr. Peto, by telling the Jury that a Government agent was prosecuted for entering into a collusion with him to defraud the public. With regard to the complaint which had been made respecting the timber, Mr. Peto had nothing to do with it, as he was bound to purchase the timber from the Government agents. The Learned Counsel concluded an eloquent address in exculpation of his client, on the ground that he was in no instance permitted to exercise his own judgment with regard to the construction or materials; and the further hearing was adjourned until yesterday.

Mr. John Cock called, and examined by Mr. COMMON SERGEANT.—I was in the employ of Mr. Peto in 1815, and for years before that. I was his general agent at the first part of the building of the Custom-house. I have been forty years employed in works of that description. Mr. James Day was clerk of the works in the year 1813, acting under the orders of Mr. Laing, the architect. I received orders from Mr. Day with regard to getting the level of the old vaults. He told me to take the level, to ascertain the depth of the old vaults, below the curb-stone in Thames-street. I took an account so far as levelling, and those things. After clearing away the rubbish, we began to dig for our footing under the direction of Mr. Day; 4 feet 6 was the depth we were to go; below that level we found a great number of old walls, some were of brick and stone, and some constructed with oak and chalk. When they resisted the piles we applied to Mr. Day. I heard Mr. Peto several times speak to Mr. Day about the discovery of old walls; he had heard him say it was better to take them all away and place York landings. Mr. Day said he would take away the walls where he thought fit; he gave such direction regularly. The first pile was, I believe, driven the beginning of July; it was of oak. Mr. Day said there should be no more oak piles, the timber was to be beech. There was no beech then driven, and the work waited until they were supplied. I saw the beech timber supplied; it was of very good quality, and was driven under the directions of Mr. Day. I heard Mr. Peto name to Mr. Day, when the pile-driving began there, he wished he would appoint some person to see to the pile-driving, as he (Mr. Peto) could not attend to it. A person named Mullins

was appointed by Mr. Day; I think he came about two days after the beginning of the pile-driving. The pile-driving for the Long-room commenced about three months after. Mr. Day gave Mullins orders to see that the monkey struck the pile-head at certain number of times. In the first instance, we cut off with an axe the projections on the piles, and did so for several days; we were afterwards ordered not to hew off the knots, but to preserve the bark, and only to sharpen the end where the shoe was to go on. It was a very laborious operation, and the works were suspended for seven weeks. I did not perceive at the time that the oaken timber was injured; but it was not used, in consequence of the objection of Mr. Day, and new timber was then brought. There were from 120 to 130 loads of the timber not used. Mr. Day was at the works every day, and Mr. Mullins attended to the driving of the piles. The planking commenced almost directly, and followed the piling in each place. Mr. Peto objected to the mode of planking directed by Mr. Day; if the timber should give way, it would make a great cavity. Mr. Day persisted in his order. I went down to Morden, in Surrey, to select two lots of timber; it was the most excellent I ever saw; that was in August, 1813; and in February, 1814, the timber was used, of the same character. Mr. Peto said to Mr. Day, that where the columns were to stand at the west wing, the weight would be so heavy, that he wished to have oak piles, to which Mr. Day objected, but he would consider about it, and in the course of three days there was an order to drive oak piles. It was at the east and west wing, and not at the main body, they were driven. I took the measurement of the greatest part of the piles. I know of no one instance in which Mr. Day's orders were not strictly complied with. I was employed by the Commissioners of the Customs to build the new wharf wall. I know not of any effect that wall would produce, except that it would prevent the water from getting to the foundation. I think it was water-tight.

Cris, examined by Mr. ATTORNEY GENERAL. Some part of the work was let out as task-work. Some of the beech piling under the Long Room was given out as task work. Believed the price given was \$4. per foot. Never knew them bore or the gravel from time to time. Heard they had been boring for the gravel before the pile-driving began. Many of the piles were crooked. None were so short as six feet when put under the engine.

Re-examined.—It was usual to let out such work; he thought that beech was not fit timber; some of the piles were cut by Mr. Day's orders; a great number of persons were at the works, who suggested alterations that were made.

a foreman that was my name. I was the foreman, examined by Mr. SCULLERY. I was the one that the beginning of driving the piles; Mr. Day was the clerk of the works; when the monkey recoils from the head of the pile, they call it bottomed; he went to Mr. Day, to come and see if the first piles driven were bottomed; he said he could not come. Mr. Peto came in and said to Mr. Day that he should not be satisfied unless he saw all the piles bottomed; Mr. Day said he could not attend to them all---when Mr. Peto said that a person should be appointed for that purpose, and Mr. Day appointed Mullins for that purpose, who was always there. He went to the heap of piles, and cut them to the length that Mr. Day ordered. They were then shod. When Mr. Day could get down the pile as far as he wished, he had it cut off and sometimes had another driven by it---he ordered some of the short piles to be cut off so as to range with the sleepers; sometimes the piles took neither the planks nor the sleepers. All the piles, without any exception, were chosen by Mr. Day. When I thought them too small for the heavy part of the building, I threw them on one side for the lighter part. The piles of the part that has come down are all beech. I never drove any beech piles but at the Customs-house, and it will decay sooner than any other wood if not kept under water. I mentioned this to Mr. Day at the early part of the work; he said that it was wood chosen by Mr. Rennie. He had seen the ground underneath; in his opinion it was not fit for piles to be driven into. After the first floor of the building was up, the groin of one of the arches gave way. I advised Mr. Day to clear the foundation all away, and to support the columns upon an inverted arch. Mr. Day said it could do very well as it was. When they first began the piling, the tide flowed in every tide if beech is under water it will last longer. There were old drains under the foundation. I know where the wharf wall is built; I worked about the bottom; the building of that wall prevented the water from flowing in, and kept the foundation dry. The timber used was all new and sound; it was green, it had not been long cut. It is allowed to be best green. I never heard that it was better for bark being on. When the piles were driven, Mr. Laing gave Mullins a pound to get something to drink. He did not recollect one order of Mr. Day's being disobeyed.

Mr. SCARLETT said that, as it was admitted upon the record that Mr. Peto had given his opinion that piling was an improper mode, he need not prove it.

Witness was cross-examined by Mr. Solicitor-General.—The piles were all selected by Day, and nothy Mullins—knew nothing about how many piles were driven under six feet in length: the driving was left by Day to Mullins, but the selecting of the straight or crooked piles he reserved to himself. The stone caps used where the part fell down were Portland stone, which granite was substituted for, but did not affect the strength. He believed Mullins had a guinea a week from Mr. Peto. He did not know what Day had.

Re-examined—If there was any difficulty in bot-toming of the pile, Mr. Day was sent to. Day examined all the sleepers before he allowed a plank to be put. There was nothing then for Day to at-tend to but the driving of the piles and the laying down the sleepers and planking. He never object-ed to the crooked timber.

By a Jurymen—He meant that the wharf wall prevented the flowing of the tide; if that had been there, the foundation would have been alternately

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